

# 3736  
PKW



# FEE TRANSMITTAL

Application Number: 09/863,234  
Filing Date: May 23, 2001  
First Named Inventor: Argenta  
Group Art Unit: 3736  
Examiner Name: Lacyk  
Attorney Docket Number: 0101 P00636US4

Total Amount of Payment (1) + (2) + (3) = \$180

## METHOD OF PAYMENT (check one)

The Commissioner is hereby authorized to:

- ☐ Charge indicated fees
- ☒ Charge additional fees
- ☒ Credit overpayments

to the account of DANN, DORFMAN, HERRELL & SKILLMAN

Deposit Account Number 04-1406

Payment enclosed:  
Check in the amount of \$180

## FEE CALCULATION

### 1. FILING FEE

Fee Description	Fee
Utility filing fee	
Design filing fee	
Plant filing fee	
Reissue filing fee	
<b>SUBTOTAL (1)</b>	<b>\$0</b>

### 2. Claims Fees

# of Claims - Paid	Extra Claims	Fee/Claim	Fee
Total Claims - =		50	\$0
Indep Claims - =		200	\$0
Multiple Dependent Claim Fee			
<b>SUBTOTAL (2)</b>			<b>\$0</b>

## ADDITIONAL FEES

Fee Description	Fee Paid
Surcharge-late filing fee or oath	
Surcharge - late provisional filing fee or cover sheet	
Extension for response within 3 month	
Notice of Appeal	
Filing a brief in support of an appeal	
Request for oral hearing	
Petition to revive unavoidably abandoned application	
Petition to revive unintentionally abandoned application	
Issue Fee	
Petitions to the Commissioner	
Petitions related to provisional applications	
Submission of Information Disclosure Stmt.	180
Recording each patent assignment per property	
Other fee (specify) <u>Terminal Disclaimer</u>	
<b>SUBTOTAL (3)</b>	<b>\$180</b>

Submitted By: Nels Haun Reg. Number 48,488

Signature [Signature] Date October 24, 2005 Deposit Account User ID 04-1406



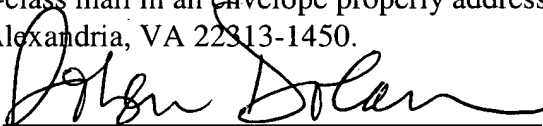
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of      **Argenta**  
Application No.                **09/863,234**  
Attorney Docket No.        **0101 P00636US4**  
Filed:                            **May 23, 2001**  
For:                              **Wound Treatment Employing Reduced Pressure**  
Examiner:                      **Lacyk**  
Group Art Unit:               **3736**

**CERTIFICATE OF MAILING UNDER 37 C.F.R § 1.8(a)**

I hereby certify that this Correspondence is being deposited on the date identified below with the United States Postal Service as first-class mail in an envelope properly addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 24, 2005  
Date of Certificate

  
Robin Dolan

Commissioner for Patents  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97**

In compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, Applicants are submitting herewith a Form PTO-1449 and a copy of the references listed thereon.

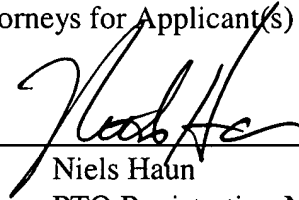
This Information Disclosure Statement is being filed more than three months after the filing date of this application, and after receipt of the first Official Action on the merits, but before receipt of a Final Official Action or an Notice of Allowance. Accordingly, the fee required under 37 C.F.R. 1.97(c) is enclosed. In the event the enclosed fee is in error, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit account no. 04-1406.

Applicants respectfully request full and proper consideration of the listed information during examination of the application, and that the listed information be printed on any patent that issues therefrom.

Respectfully submitted,

DANN, DORFMAN, HERRELL & SKILLMAN  
A Professional Corporation  
Attorneys for Applicant(s)

By



Niels Haun

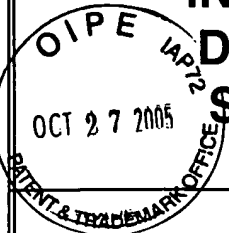
PTO Registration No. 48,488

Telephone: (215) 563-4100

Facsimile: (215) 563-4044

Enclosures - Form PTO-1449

Copies of References listed on PTO -1449

 <p style="text-align: center;"><b>INFORMATION DISCLOSURE STATEMENT</b></p>	<i>Complete if known</i>	
	Application Number: 09/863,234	
	Filing Date: May 23, 2001	
	First Named Inventor: Argenta	
	Group Art Unit: 3736	
	Examiner Name: Lacyk	
SHEET 1 OF 5		Attorney Docket Number: 0101 P00636US4

UNITED STATES PATENT DOCUMENTS				
EXAMINER'S INITIALS	CITE NO.	PATENT NUMBER	ISSUE DATE MM-DD-YYYY	FIRST NAMED INVENTOR
		2025492	11/09/1934	Aird
		3115318	08/21/1959	Caillette
		3572340	01/11/1968	Lloyd, et al.
		3978855	09/07/1976	McRae, et al.

FOREIGN PATENT DOCUMENTS					
EXAMINER'S INITIALS	CITE NO.	DOCUMENT NUMBER	COUNTRY OR REGION	DATE OF PUBLICATION MM-DD-YYYY	FIRST NAMED INVENTOR OR APPLICANT

OTHER CITATIONS - NON-PATENT DOCUMENTS		
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in Capital Letters), title of the article (when appropriate), title of the item(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Expert Report with Exhibits of Valery Gilevich (not dated).
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Medela, Inc., and Medela AG's Motion for Entry of Amended Protective Order with Exhibits dated October 7, 2005.
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Videotaped Deposition transcript of Carr Lane Quackenbush dated October 6, 2004.
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Defendant Medela AG's Answers to Plaintiffs' Second Interrogatories dated October 7, 2005.

EXAMINER'S SIGNATURE		DATE CONSIDERED	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw a line through citation if citation not in conformance and reference not considered. Include a copy of this form with next communication to applicant.

# INFORMATION DISCLOSURE STATEMENT

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Examiner Name: Lacyk

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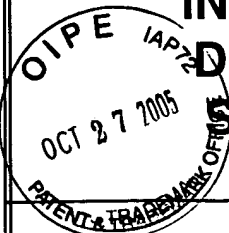
SHEET 2 OF 5

	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Medela AG's Affidavit of Mitchell D. Lukin Pursuant to Local Rule CV-33(a) dated October 7, 2005.
	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Defendant Medela AG's Response to Plaintiffs' Second Request for Production of Documents dated October 7, 2005.
	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Defendant Medela AG's Response to Plaintiffs' Third Request for Production of Documents dated October 7, 2005.
	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Defendant Medela, Inc.'s Response to Plaintiffs' Second Request for Production of Documents dated October 7, 2005.
	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiffs' Opening Brief on Claim Construction of Disputed Claim Terms From the '643 and '081 Patents with Exhibits dated October 6, 2005.
	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Medela, Inc.'s Second Set of Interrogatories To Wake Forest University Health Sciences dated October 7, 2005.
	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Medela, Inc.'s Eighth Set of Requests For Production To Plaintiffs Kinetic Concepts, Inc., KCI Licensing, Inc., KCI USA, Inc., and Wake Forest University Health Sciences dated October 7, 2005.
	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Order Grating Joint Motion to Extend Deadlines dated September 30, 2005.
	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., BlueSky Medical Group Inc.'s Additional Supplemental Discovery Production with Bates Labels and Cover Letter dated September 30, 2005.
	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Joint Motion for Entry of Order Adopting the Parties' Stipulated Claim Term Constructions dated October 6, 2005.
	Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Order Adopting the Parties' Stipulated Claim Term Constructions.

EXAMINER'S  
SIGNATURE

DATE  
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	Examiner Name: Lacyk	
SHEET 3 OF 5		Attorney Docket Number: 0101 P00636US4

		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., BlueSky Medical Negative Pressure Wound Care with Versatile 1 Presentation Presented by Penny Campbell and Shelly Burdette-Taylor.
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Defendant Bluesky Medical Group Inc. and Richard Weston's Reply to Plaintiffs Opposition to Defendant Bluesky Medical Group Inc. and Richard Weston's Motions for Partial Summary Judgment dated September 28, 2005.
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Order Granting Plaintiffs' Unopposed Motion to Supplement The Record for its response to Bluesky's Motion for Partial Summary Judgment dated October 13, 2005.
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Order Granting Medela, Inc. And Medela AG's Unopposed Motion to Extend Deadlines for Markman Briefing dated October 13, 2005.
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiffs' Unopposed Motion to Supplement the Record in Support of Their Response to Bluesky's Motion For Partial Summary Judgment on Counts Twelve, Thirteen, and Fifteen dated October 10, 2005.
		Barillo, D., et al., "Management of Burns to the Hand", Wounds 15,(1):4-9, 2003 Health Management Publications, Inc., Posted 02/12/2003.
		Medical Technology & Innovation, "Medical Technology is Extending Life, Reducing Costs", Vol 1, Issue 46, December 4, 2000.
		Wu, Lisa C., et al., "Vacuum-Assisted Closure for the Treatment of Sternal Wounds: The Bridge Between Debridement and Definitive Closure", printout from <a href="http://www.plasticsurgery.org">www.plasticsurgery.org</a> , 3 pages.
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Joint Claim Construction and Prehearing Statement dated September 16, 2005.
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Defendants' Opening Brief Regarding Claim Construction for The '081 Patent and Certain Claims of the '643 Patent dated October 5, 2005.
		Bertone, A., "Management of Exuberant Granulation Tissue", Wound Management, pp. 550-562 (no date).
		Taber's Cyclopedic Medical Dictionary, Edition 18, pps, 937, 942 and 1375.
		Harris, Ann, et al., "Hypergranulation Tissue: a Nontraumatic Method of Management", Ostomy/Wound Management, Vol.40, No. 5, June 1994.

EXAMINER'S SIGNATURE		DATE	
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SHEET 4 OF 5		Attorney Docket Number: 0101 P00636US4

		Opposition EP to 0620720, Patentee Response to Grounds of Appeal Filed by Opponent, Paul Hartmann AG, with Exhibits dated April 25, 2005.
		Opposition EP to 0620720, Opponents Response to Grounds of Appeal Filed by Patentee, dated April 25, 2005.
		Opposition EP to 0620720, Patentees' Grounds of Appeal, dated September 29, 2004.
		Opposition EP to 0620720, Third-Party Communication dated February 15, 2005 ( <i>R.G.C. Jenkins &amp; Co.</i> )
		Opposition EP to 0620720, Interlocutory Decision dated May 19, 2004.
		Opposition EP to 0620720, Communication of Patentee dated November 25, 2003.
		Opposition EP to 0620720, Third-Party Communication dated November 12, 2003 ( <i>R.G.C. Jenkins &amp; Co.</i> )
		Opposition EP to 0620720, Third-Party Communication dated August 14, 2003. ( <i>R.G.C. Jenkins &amp; Co.</i> )
		Opposition EP to 0620720, Communication of Patentee dated November 9, 2003.
		Webster's New Universal Unabridged Dictionary Deluxe Second Edition, page 631.
		Opposition EP to 0620720, Communication of Opponent Mondomed dated August 8, 2001. ( <i>Margot Muller-Gerbes</i> )
		Opposition EP to 0620720, Communication of Opponent Mondomed dated May 3, 2001. ( <i>Margot Muller-Gerbes</i> )
		Opposition EP to 0620720, Communication of Patentee dated September 22, 2000.
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Defendant Bluesky Medical Group Incorporated's and Richard Weston's Motion for Summary Judgment on the '643 Patent with Exhibits dated August 10, 2005..
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Defendant Bluesky Medical Group Incorporated's and Richard Weston's Motion for Summary Judgment on the '880 Patent with Exhibits dated August 10, 2005.
		Meyer, W., et al., Bier's Hyperemic Treatment, "Hyperemia by suction apparatus", Hyperemia as a Therapeutic Agent, Chicago, IL, Roberts Publishing; 1908: 45-88.
		Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiffs' Surreply Further Opposing Defendant Bluesky Medical Group Incorporated's and Richard Weston's Motions for Summary Judgment on the '643 and '880 Patents with Exhibits dated October 14, 2005.
		Chariker-Jeter Technique Tutorial by Penny E. Campbell, Wound Care Solutions, 1 page tutorial chart.

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Examiner Name: Lacyk

SHEET 5 OF 5

Attorney Docket Number: 0101 P00636US4

Bluesky Medical, Negative Pressure Wound Therapy, Product Catalog Fall 2005, "Finally a choice..." 8 pages.

Chariker-Jeter Status Link from the website [www.trademark.com/cbi-bin/tmlist](http://www.trademark.com/cbi-bin/tmlist), October 14, 2005, 1 page.

Bluesky Medical Support, printout of webpages  
[www.woundvacuum.com/Standard%20Pages/support.htm](http://www.woundvacuum.com/Standard%20Pages/support.htm), October 11, 2005, pages 1-3.

Promotional Slide Presentation by Penny Campbell 27 pages.

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